

CONCLUSION

N.J.A.C. 4A:4-2.9(a), Make-up Examinations, provides that make-up examinations for open competitive and general promotional testing, except for professional level engineering promotional examinations and public safety promotional examinations..., may be authorized for the following reasons:

1. Error by the Civil Service Commission or appointing authority;
2. Serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons;
3. Documented serious illness or death in the candidate's immediate family;
4. Natural disaster;
5. Prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation; and
6. When required for certain persons returning from military service ...; and
7. Other valid reasons.

N.J.A.C. 4A:4-2.9(e) states, in pertinent part, that a candidate must request in writing a make-up examination within five days after the examination date due to one the valid reasons set forth, or within five days of receipt of the examination notice in the case of a valid reason which the candidate is aware upon receipt of the examination notice.

The record establishes that the appellant was scheduled to take an examination on June 3, 2021 and did not do so. In her initial request for a make-up examination, the appellant not provide any medical reason, but indicated a scheduling conflict with the exam and picking up her children from school. This argument is unpersuasive. Thus, the appellant had a scheduling conflict. She was faced with a choice, take the examination or pick up her children from school; and she chose the latter. That situation does not meet the criteria for a make-up examination.

Subsequently, When the appellant received notification of this, she responded that she was the primary caregiver for one child on this date, another scheduling conflict, and that a medical condition which she had not mentioned previously prevented her from taking the examination. The medical documentation was dated June 22, 19 days after the examination. Additionally, this form did not indicate how the appellant's injury precluded her from taking the examination or that an accommodation was not possible. In this regard, the appellant could have requested that a staff member mark the answers for her. This form merely asked for the appellant to be excused due to the injury. No medical documentation regarding an injury was provided. This documentation is untimely and does not meet the

regulatory requirement. Many candidates appeared for and passed the examination and the employment roster is complete. The appellant does not meet the standard for a make-up examination.

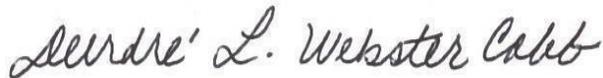
A thorough review of the record indicates that the determination of Agency Services is proper and consistent with Civil Service regulations, and that appellant has not met her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF OCTOBER, 2021



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